

PATENT  
Customer No. 22,852  
Attorney Docket No. 07738.0173-01000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Erich P. LERCHENFELD et al. ) Group Art Unit: Unknown  
)  
Application No.: 10/691,581 ) Examiner: Unknown  
)  
Filed: October 24, 2003 )  
)  
For: BEVERAGES CONTAINING )  
PLANT STEROLS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. To the best of Applicants' knowledge, this Information Disclosure Statement is being submitted before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the U.S. and foreign patent documents listed on the Form PTO 1449 were filed in parent application no. 10/458,692, filed on June 11, 2003, and therefore are not enclosed herewith. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO 1449.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

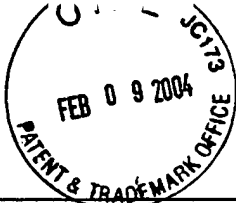
Dated: February 9, 2004

By: 

Jay A. Stelacone  
Reg. No. 42,168

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com



## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07738.0173-01000	Appln. No.	10/691,581
Applicant	Erich P. LERCHENFELD et al.		
Filing Date	October 24, 2003	Group:	Unknown

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	3,004,043	10/10/61	STERN et al.			
	4,508,703	04/02/85	REDZINIAK et al.			
	5,043,329	08/27/91	LICHTENBERGER			
	5,244,887	09/14/93	STRAUB			
	5,496,813	03/05/96	EUGSTER et al.			
	6,045,826	04/04/00	BOROWY-BOROWSKI et al.			
	6,054,144	04/25/00	BURRUANO et al.			
	6,063,776	05/16/00	OSTLUND Jr.			
	6,110,502	08/29/00	BURRUANO et al.			
	6,113,972	09/05/00	CORLISS et al.			
	6,123,978	09/26/00	DARTEY et al.			
	6,129,944	10/10/00	TIAINEN et al.			
	6,190,720	02/20/01	YUAN et al.			
	6,191,172	02/20/01	BOROWY-BOROWSKI et al.			
	6,242,001	06/05/01	BRUCE et al.			
	6,387,411	05/14/02	BRUCE et al.			

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
CA 2,310,502	12/02/00	Canada			
GB 1365661	09/04/74	Great Britain			
EP 0897671	02/24/99	Europe			
EP 0947197	06/10/99	Europe			
EP 0985411	03/15/00	Europe			
EP 0986962	03/22/00	Europe			
EP 1005859	06/07/00	Europe			



# INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

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Applicant	Erich P. LERCHENFELD et al.		
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## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	FI 0098039B	12/31/96	Finland			
	FI 0105887B	10/31/00	Finland			
	WO 98/13023	04/02/98	PCT			
	WO 98/58629	12/30/98	PCT			
	WO 99/15547	04/01/99	PCT			
	WO 99/39715	08/12/99	PCT			
	WO 99/44442	09/10/99	PCT			
	WO 99/44642	09/10/99	PCT			
	WO 99/53925	10/28/99	PCT			
	WO 99/56729	11/11/99	PCT			
	WO 99/63841	12/16/99	PCT			
	WO 00/33669	06/15/00	PCT			
	WO 00/41491	07/20/00	PCT			
	WO 00/45648	08/10/00	PCT			
	WO 00/45770	08/10/00	PCT			
	WO 00/47213	08/17/00	PCT			
	WO 00/50007	08/31/00	PCT			
	WO 00/52029	09/08/00	PCT			
	WO 00/69865	11/23/00	PCT			
	WO 00/75165	12/14/00	PCT			
	WO 00/78162	12/28/00	PCT			
	WO 00/78789	12/28/00	PCT			
	WO 01/00653	01/04/01	PCT			
	WO 01/01960	01/11/01	PCT			
	WO 01/28555	04/26/01	PCT			
	WO 01/37681	05/31/01	PCT			



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## INFORMATION DISCLOSURE CITATION

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Examiner	Date Considered		
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
Form PTO 1449		Patent and Trademark Office - U.S. Department of Commerce	

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